

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6699

BILL NUMBER: SB 209

NOTE PREPARED: Dec 28, 2007

BILL AMENDED:

SUBJECT: Toll Road.

FIRST AUTHOR: Sen. Tallian

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Class C Infraction Penalty:* The bill specifies that the failure to pay a required toll, charge, or user fee on a toll road project is a Class C infraction. The bill also requires service charges and the amount of unpaid tolls collected as a judgment for a toll violation to be transferred to the operator of a toll road project rather than deposited into the state General Fund. It provides that service charges may not exceed \$25.

The bill sets forth the procedures for collecting an unpaid toll when evidence of the unpaid toll is obtained by an automated traffic law enforcement system. It specifies that the laws concerning automated traffic law enforcement systems and the enforcement of infractions apply to the enforcement of the law concerning user fees on a toll road project.

Defenses to a Toll Violation: The bill provides certain defenses when the owner of the motor vehicle proves that another person was operating the motor vehicle at the time of the toll violation.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many people may fail to pay a toll, be sent a letter by the toll road project operator, and within 35 days either fail to pay the amount owed or deny responsibility for the violation resulting in additional Class C infractions.

The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. Also,

the amount of the unpaid toll, charge, or user fee plus a service fee that may not exceed \$25 would be transferred to the toll road project operator if a judgement is entered against the violator.

If additional court cases occur and court fees are collected, revenue to the state General Fund may increase. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), the judicial salaries fee (\$17), the public defense administration fee (\$3), the court administration fee (\$3), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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